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11 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

12 ROGER PALMER, *et al.*,

Case No.: 3:21-cv-00268-MMD-WGC

13 Plaintiffs,
14 v.

15 STEPHEN SISOLAK, in his official
capacity as Governor of Nevada, *et al.*,

16 Defendants.

PLAINTIFFS' DISCOVERY PLAN AND
SCHEUDLING ORDER

SPECIAL SCHEDULING REVIEW
REQUESTED

19 Pursuant to LR 26-1(B) and FRCP 26(f), Plaintiffs, by and through their undersigned
20 counsel, hereby submit this Stipulated Discovery Plan and Scheduling Order in the above-referenced
21 matter.

22 **I. Meeting:** On Monday, August 23, 2021, the parties participated in a telephonic
23 conference to discuss issues required by Federal Rule of Civil Procedure 26(f). Counsel for
24 Plaintiffs and counsel for all Defendants participated in the conference. During the conference, the
25 State Defendants notified the Parties they would not sign any discovery plan or scheduling order,
26 and thus, the State Defendants would not participate in the filing of this document or agree to any set
27 of dates or schedule for the standard discovery procedures. Counsel for the County Defendants
28 contend that discovery should not occur until the pending motions to dismiss are resolved, but

1 agreed to abide by the following scheduling order and thus join this proposed discovery plan should
2 the Court allow discovery to proceed at this time.

3 **II. Pre-Discovery Disclosures:** The parties will serve their initial disclosures no later
4 than September 10, 2021.

5 **III. Fed. R. Civ. P. 26(f)(3) Scope of Discovery:** Discovery should include, but not be
6 limited to, all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

7 **IV. Discovery Plan:** The Plaintiffs request a discovery plan of 120 days from today's
8 date. The discovery deadlines herein have been calculated from that date. At this time the parties
9 request no orders be entered pursuant to FRCP 26(c), FRCP 16(b) or FRCP 16(c) other than this
10 Stipulated Discovery Plan and Scheduling Order.

11 **V. Scheduling Order:** Plaintiffs request a special scheduling review of the following
12 deadlines pursuant to LR 26-1(b)(1). A special scheduling order is necessary in this case because of
13 the exigent circumstances regarding this case and Plaintiffs wish to expedite this matter to protect the
14 Constitutional Rights of Nevada citizens.

15 1. **Discovery Cut-Off Date:** The discovery cut-off date shall be December 21,
16 2021, 120 days from August 23, 2021.

17 2. **Amend Pleadings/Add Parties:** The deadline for filing a motion to amend the
18 pleadings or to add parties shall be November 22, 2021, 30 days prior to close of discovery. Any
19 party causing additional parties to be joined or brought to this action shall cause a copy of this Order
20 to be served upon the new party or parties.

21 3. **Expert Disclosure:** The deadline for disclosure of expert witnesses and reports
22 required by FRCP 26(a)(2) shall be November 22, 2021, 30 days before discovery cut-off date. The
23 deadline for disclosure of rebuttal expert witnesses and reports shall be December 21, 2021, 30 days
24 after the initial disclosure of experts.

25 4. **Dispositive Motions:** The deadline for filing dispositive motions shall be
26 January 20, 2022, 30 days after discovery cut-off date.

27 5. **Joint Pretrial Order:** The deadline for filing a Joint Pretrial Order shall be
28 February 21, 2022, 30 days after date set for filing dispositive motions (February 19, 2022, 30 days

1 from January 20, 2022, falls on a Saturday). In the event dispositive motions are filed, the Joint
2 Pretrial Order shall be due thirty (30) days following the decision on such dispositive motions or upon
3 further order of this Court.

4 6. Interim Status Report: The deadline for filing the Interim Status Report shall
5 be December 6, 2021, 15 days before discovery cut-off date.

6 **VI. Other Items**

7 1. Initial Disclosures: Initial disclosures should be provided on September 10, 2021.
8 2. Settlement: This case is not in a position to settle.
9 3. Court Conference: The parties are requesting a special scheduling review of the
10 deadlines set forth herein, and thus, a short conference with the court before entry of this Stipulated
11 Discovery Plan and Scheduling Order might be necessary as the State Defendants are proposing a
12 discovery stay.

13 4. Alternate Dispute Resolution: Pursuant to LR 26-1(7), the parties certify they have
14 met and conferred regarding the possibility of using alternative dispute resolution process, including
15 mediation, arbitration and/or early neutral evaluation.

16 5. Alternative Forms of Case Disposition: Pursuant to LR 26-1(b)(8), the parties certify
17 they have considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ.
18 P. 73 and the use of the Short Trial Program. The parties decline at this time.

19 **VII. Extensions or Modifications of the Discovery Plan and Scheduling Order:**

20 LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order.
21 Any stipulation or motion regarding discovery must be made no later than 7 days before the
22 expiration of the subject deadline. The last date to file any stipulation or motion regarding extending
23 discovery shall be December 14, 2021, 7 days before discovery cutoff.

24 Dated: August 24, 2021
25 MARQUIS AURBACH COFFING

26 /s/ Nicholas D. Crosby
Nicholas D. Crosby, Esq.
1001 Park Run Drive
27 Las Vegas, Nevada 89145

28 Counsel for Defendant Lombardo and Wolfson

Dated: August 23, 2021
THE O'MARA LAW FIRM, P.C.

/s/ David C. O'Mara
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1 Dated: August 23, 2021
2 DOUGLAS COUNTY DISTRICT
3 ATTORNEY'S OFFICE

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4 /s/ Zachary Wadle

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Attorneys for Plaintiffs

7 *Attorney for Defendants Coverly and Jackson*

8 **ORDER**

9 IT IS SO ORDERED

10 DATED: August , 2021

11 _____
12 US MAGISTRATE JUDGE

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